

9200/2155
#12



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

CAREL J. L. VAN DRIEL

PHN 17,110

Serial No. 09/341,085

Group Art Unit: 2155

Filed: JULY 2, 1999

Examiner: THU HA T. NGUYEN

Title: COMMUNICATION SYSTEM WITH IMPROVED ACCESS NETWORK

Commissioner for Patents
Washington, D.C. 20231

**REQUEST TO WITHDRAWAL OF HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181**

Sir:

The Applicants request that the Patent and Trademark Office withdraw the Notice of Abandonment that issued on March 10, 2003 in this patent application (attached as Exhibit A). In the Notice, U.S. Patent Application No. 09/341,085 was stated to be abandoned for failure to timely file a proper reply to the Office letter mailed on July 29, 2002 (attached as Exhibit B). It is submitted that a response to the Office letter was timely mailed to the Patent and Trademark Office on September 19, 2002.

Specifically, on September 19, 2002, in response to the Office letter dated July 29, 2002, Applicant submitted to the

Patent and Trademark Office a continued prosecution application (CPA), IDS/PTO1449, an Appointment of Associates and an authorization to charge deposit account number (attached as Exhibit C); in conjunction with the 116 After Final Amendment which was filed on July 8, 2002. The Patent and Trademark Office acknowledged the 116 After Final Amendment in the Office letter dated July 29, 2002 hence prompting applicant to file the CPA.

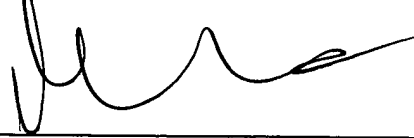
The acknowledgment of receipt postcard (attached as Exhibit D) bears a Patent and Trademark Office mailroom stamp imprinted on it indicating that the documents were received by the mailroom on September 19, 2002. The mailing date of September 19, 2002 is well within the six months permitted to respond to the Office letter before abandonment of the application.

It is respectfully requested that the response to the Office letter dated July 29, 2002, that was mailed on September 19, 2002 be considered timely received and that the status of the above-identified application be changed from abandoned to pending.

Accordingly, it is requested that the Notice of Abandonment dated March 10, 2003 be withdrawn.

If there are any difficulties regarding this matter, it is requested that the undersigned be contacted at the telephone number indicated below.

Respectfully submitted,



Daniel J. Piotrowski
Senior Patent Counsel
Reg. No. 42,079

Enclosures:

- Exh. A: Copy of Notice of Abandonment dated March 10, 2003
- Exh. B: Copy of Office letter dated July 29, 2002
- Exh. C : Copy of CPA dated September 19, 2002
- Exh. D : Copy of acknowledgment of receipt postcard

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date
with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS

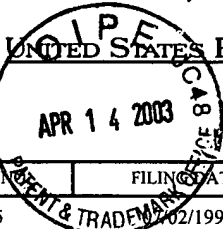
Washington, D.C. 20231

On April 8, 2003

By Noemi Ch gpc



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,085	02/1999	CAREL J.L. VAN DRIEL	PHN17.110	4715

7590

03/10/2003

U S PHILIPS CORPORATION
CORPORATE PATENT COUNSEL
580 WHITE PLAINS ROAD
TARRYTOWN, NY 10591

EXAMINER

NGUYEN, THU HA T

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED	DATE	INITIAL
COMPUTER	MAR 14 2003	
SECRETARY		
ATTORNEY		

03 MAR 13 AM 10:39

Notice of Abandonment

Application N .

09/341,085

Examiner

Thu Ha T. Nguyen

Applicant(s)

VAN DRIEL, CAREL J.L.

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on 07/29/02.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

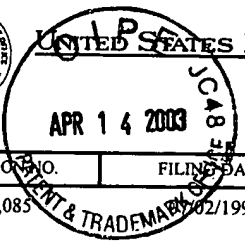

AYAZ SHEIKH

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Exhibit b

PSK



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,085	07/29/2002	CAREL J.L. VAN DRIEL	PHN17.110	4715

U S PHILIPS CORPORATION
CORPORATE PATENT COUNSEL
580 WHITE PLAINS ROAD
TARRYTOWN, NY 10591

EXAMINER

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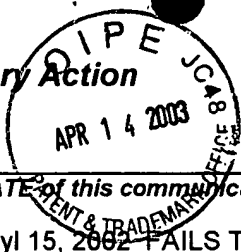
8

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

108V

2002 AUG -2 A 9:53

Advisory Action

Application N .

09/341,085

Examiner

Thu Ha T. Nguyen

Applicant(s)

VAN DRIEL, CAREL J.L.

Art Unit

2155

--Th MAILING DATE of this communication appears on th cover sheet with the correspond nce address --

THE REPLY FILED on July 15, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-8.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 2. NOTE: Applicant's amendment raises new issues that would require further consideration and/or search. They change the scope of the claims by adding limitations such as "...non-dedicated...the access node switch controls all of the network specific switching, the network control elements include a network control switch and a plurality of channel cluster modules, the channel cluster modules are arranged for transmitting downstream signals on one carrier frequency and are coupled to the sub-network corresponding to the network control node..." see claims 1 and 7.

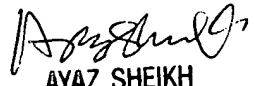

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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Exhibit C



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EXAMINER

NGUYEN, THU HA T

ART UNIT PAPER NUMBER

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DATE MAILED: 03/10/2003

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Applicati n No.

09/341,085

Examiner

Thu Ha T. Nguyen

Applicant(s)

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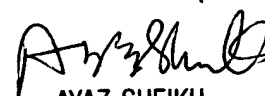
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In re Application of

Atty. Docket

CAREL J. VAN DRIEL

PHN 17,110

SERIAL NO. 09/341,085

GROUP ART UNIT: 2155

FILED: JULY 2, 1999

EXAMINER: T.H. NGUYEN

TITLE: COMMUNICATION SYSTEM WITH IMPROVED ACCESS NETWORK

Commissioner for Patents
Washington, D.C. 20231

AUTHORIZATION PURSUANT TO 37 CFR 31.136(a)(3)
AND TO CHARGE DEPOSIT ACCOUNT

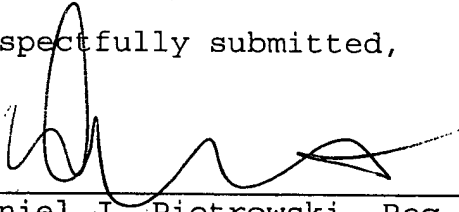
Sir:

The Commissioner is hereby requested and authorized to treat any concurrent or future reply in this application requiring a petition for extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.

Please charge any additional fees which may now or in the future be required in this application, including extension of time fees, but excluding the issue fee unless explicitly requested to do so, and credit any overpayment, to Deposit Account No. 14-1270.

Respectfully submitted,

By


Daniel J. Piotrowski, Reg. 42,079
Senior Corporate Patent Counsel
(914) 333-9624

#14
LDT
6-13-03